

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE**

MARTIN DURANT,	:	
	:	
Plaintiff,	:	C.A. No. 04-1534 (KAJ)
	:	
v.	:	
	:	JURY TRIAL DEMANDED
PERFECT CARE NURSES, INC.,	:	
	:	
Defendant.	:	

DEFENDANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT

The Defendant, Perfect Care Nurses, Inc., by and through its counsel, White and Williams LLP, hereby moves this Honorable Court for an Order pursuant to Federal Rule of Civil Procedure 56 granting summary judgment in favor of the Defendant. In support of its Motion, the Defendant hereby adopts and restates as though fully set forth herein the contents of its Opening Brief which was filed contemporaneously herewith pursuant to Local Rule 7.1.2.

WHEREFORE, the Defendant respectfully requests that this Honorable Court enter an Order granting summary judgment in its favor and award the Defendant all costs, expenses and any other relief that the Court deems appropriate.

Respectfully submitted,

WHITE AND WILLIAMS LLP

By: /s/ Marc S. Casarino
Christian J. Singewald (Bar No. 3542)
Marc S. Casarino (Bar No. 3613)
824 N. Market Street, Suite 902
P.O. Box 709
Wilmington, DE 19899-0709
(302) 467-4520
(302) 467-4550 facsimile
Attorneys for Perfect Care Nurses, Inc.

Dated: August 31, 2005

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE**

MARTIN DURANT,	:	
	:	
Plaintiff,	:	C.A. No. 04-1534 (KAJ)
	:	
v.	:	
	:	JURY TRIAL DEMANDED
PERFECT CARE NURSES, INC.,	:	
	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I, Marc S. Casarino, Esquire, certify that on this 31st day of August, 2005, a copy of the foregoing **DEFENDANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT** was delivered by First Class Mail, postage prepaid, and by electronic filing to the following named individual:

Jeffrey K. Martin, Esquire
Margolis Edelstein
1509 Gilpin Avenue
Wilmington, DE 19806

WHITE AND WILLIAMS LLP

By: /s/ Marc S. Casarino
Christian J. Singewald (#3542)
Marc S. Casarino (#3613)
824 N. Market Street, Suite 902
P.O. Box 709
Wilmington, DE 19899-0709
(302) 654-0424
Attorneys for Perfect Care Nurses, Inc.